

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10254 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JIVANPRAKASH VIDYALAYA

Versus

JOINT DIRECTOR OF EDUCATION (10 + 2)

Appearance:

MR AJ SHASTRI for Petitioner

MR NIGAM SHUKLA AGP for Respondent No. 2

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 08/07/97

ORAL JUDGEMENT

Rule. Mr Nigam Shukla learned AGP waives service for the respondents. At the request of the learned advocates, this petition is finally heard today.

The petitioner by way of this petition is challenging the order dated 30.11.1995 and the subsequent orders passed against him recovering the amount of grant already paid to the petitioner. It is not in dispute

that the petitioner has been paid the amount of grant for running vocational training course. It is also not in dispute that the petitioner closed down the course after obtaining permission from the State Government. As can be seen from the Annexure-C dated 30.11.1995 the recovery of grant is effected relying on the resolution of the Government dated 25.10.1987. It is the contention of the petitioner that the petitioner has not been provided with the copy of the circular and the impugned order which are passed without hearing the petitioner.

After having heard the learned advocates appearing for the parties, I am of the opinion that the impugned decision of the respondent to recover the amount of loan without hearing of the petitioner is not proper inasmuch as the same is violative of principles of natural justice. Mr Shukla learned AGP for the respondent has fairly stated that if the petitioner makes an appropriate representation before the Commissioner of Higher Education, Gandhinagar the same shall be considered in accordance with law. In view of this, the petitioner is directed to approach the Commissioner of Higher Education, Gandhinagar by way of representation. The said representation to be made within two weeks from today. On the receipt of the representation, the Commissioner of Higher Education shall pass an appropriate reasoned order after hearing the petitioner and/or his representative in accordance with law within 4 weeks thereafter. Rule is made absolute accordingly to the aforesaid extent only with no order as to costs.
